

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

MATTHEW DICKSON, on behalf of himself and others similarly situated,	:	Case No. 5:18-cv-182-JRA
	:	
	:	Judge Adams
Plaintiff,	:	Magistrate Judge Henderson
	:	
v.	:	
	:	
DIRECT ENERGY, LP, et al.,	:	
	:	
Defendants.	:	

JOINT MOTION TO LIFT STAY AND REINSTATE MOTIONS TO ACTIVE DOCKET

Plaintiff Matthew Dickson and Defendant Direct Energy, LP (“Direct Energy”) respectfully request that this Court lift the stay of proceedings in this matter and reinstate certain motions that were denied without prejudice when the case was stayed.

On January 15, 2021, Plaintiff, Direct Energy, and Defendant Silverman Enterprises, LLC (“Silverman”) moved this Court for a stay of this action pending a ruling by the Sixth Circuit Court of Appeals in the appeal styled *Lindenbaum v. Realgy, LLC, et al.*, Sixth Circuit Court of Appeals No. 20-4252 (“*Lindenbaum Appeal*”). (Doc. 132.) The Court granted the stay on the same day and denied all pending motions without prejudice, subject to renewal following conclusion of the *Lindenbaum Appeal*. (Doc. 133.) The mandate was issued in the *Lindenbaum Appeal* on October 4, 2021.

Accordingly, Plaintiff and Direct Energy request that the stay now be lifted and that the following motions and related responses and replies be renewed and reinstated to the active docket:

- Plaintiff’s Motion for Class Certification (Doc. 107)
- Direct Energy’s Response in Opposition to Motion for Class Certification (Doc. 111)

- Silverman's Response in Opposition to Motion for Class Certification (Doc. 112)
- Plaintiff's Reply to Direct Energy's Opposition to Motion for Class Certification (Doc. 116)
- Plaintiff's Reply to Silverman's Opposition to Motion for Class Certification (Doc. 117)
- Direct Energy's Motion for Leave to File Surreply in Further Opposition to Motion for Class Certification (Doc. 118)
- Plaintiff's Opposition to Direct Energy's Motion for Leave to File Surreply (Doc. 120)
- Direct Energy's Motion to Dismiss for Lack of Standing (Doc. 123) and Exhibit 1 thereto (Doc. 124)
- Plaintiff's Opposition to Direct Energy's Motion to Dismiss (Doc. 125)
- Direct Energy's Reply in Support of Motion to Dismiss (Doc. 129)
- Direct Energy's Notice of Supplemental Authority (Doc. 131)

The Parties may file supplemental briefing by November 29, 2021, any responses thereto by January 7, 2022, and any replies by January 18, 2022.

Counsel for Plaintiff and counsel for Direct Energy have reached out to counsel for Silverman Enterprises, LLC regarding this motion but have not yet received a response.

A proposed order is attached hereto.

Respectfully submitted,

/s/ Brian K. Murphy

Brian K. Murphy (0070654)
Jonathan P. Misny (0090673)
Murray Murphy Moul + Basil LLP
1114 Dublin Road
Columbus, OH 43215
Telephone: 614.488.0400
Facsimile: 614.488.0401
E-mail: murphy@mmmb.com
misny@mmmb.com

Edward A. Broderick (admitted *pro hac vice*)

Broderick Law P.C.
99 High Street, Suite 304
Boston, MA 02110
Telephone: 617.738.7080
Facsimile: 617.830.0327
E-mail: ted@broderick-law.com

Anthony I. Paronich (admitted *pro hac vice*)
Paronich Law, P.C.
350 Lincoln Street, Suite 2400
Hingham, MA 02043
Telephone: 508.221.1510
E-mail: anthony@paronichlaw.com

Matthew P. McCue (admitted *pro hac vice*)
The Law Office of Matthew P. McCue
1 South Avenue, Suite 3
Natick, Massachusetts 01760
Telephone: 508.655.1415
Facsimile: 508.319.3077
E-mail: mmccue@massattorneys.net

Samuel J. Strauss (admitted *pro hac vice*)
Turke & Strauss LLP
936 N. 34th Street, Suite 300
Seattle, WA 98103
Telephone: 608.237.1774
Facsimile: 608.509.4423
E-mail: sam@turkestrauss.com

Counsel for Plaintiff

/s/ William B. Thomas, per e-mail auth. 11/4/21

Michael D. Matthews, Jr. (admitted *pro hac vice*)
William B. Thomas (admitted *pro hac vice*)
David L. Villarreal (admitted *pro hac vice*)
McDowell Hetherington LLP
1001 Fannin Street, Suite 2700
Houston, Texas 77002
Telephone: 713.337.5580
Facsimile: 713.337.8850
E-mail: matt.matthews@mhllp.com
william.thomas@mhllp.com
david.villarreal@mhllp.com

Ashley L. Olikier (0085628)
Frank S. Carson (0099575)
Frost Brown Todd LLC
10 W. Broad Street, Suite 2300
Columbus, Ohio 43215
Telephone: 614.559.7227
Facsimile: 614.464.1737
E-mail: aoliker@fbtlaw.com
fcarson@fbtlaw.com

Counsel for Direct Energy, LP

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2021, I filed the foregoing through the Court's CM/ECF system, which will send notice to all counsel of record.

/s/ Brian K. Murphy _____
Brian K. Murphy